

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

THE ELECTRONIC APPLICATION OF)	
COLUMBIA GAS OF KENTUCKY, INC.)	CASE NO.
FOR AN ADJUSTMENT OF RATES;)	2024-00092
APPROVAL OF DEPRECIATION STUDY;)	
APPROVAL OF TARIFF REVISIONS; AND)	
OTHER RELIEF)	

COLUMBIA GAS OF KENTUCKY, INC.'S
REPLY IN SUPPORT OF ITS MOTION FOR REHEARING

Comes now Columbia Gas of Kentucky, Inc. ("Columbia"), by counsel, pursuant to KRS 278.400, 807 KAR 5:001 Section 5(2) and other applicable law, and hereby tenders a reply in support of its motion for rehearing on the Commission's June 28, 2024 Order ("June 28, 2024 Order") which granted intervention in this proceeding to Interstate Gas Supply, Inc ("IGS") and Constellation New Energy – Gas Division, LLC ("Constellation" or "CNEG").

IGS and CNEG's Response to Columbia's Motion for Rehearing

On July 18, 2024, Columbia filed a motion requesting the Commission grant rehearing on its June 28, 2024 Order. IGS and CNEG filed a response to Columbia's Motion for Rehearing on July 24, 2024. IGS and Constellation's response focused on IGS and Constellation's belief that Columbia cannot request rehearing on a Commission

Order regarding intervention because it is not a “final” order and is interlocutory in nature. This argument is incorrect.

Columbia’s request for rehearing on the granting of intervention was proper and is supported by Commission precedent. The Commission has treated Commission Orders regarding intervention as final, appealable orders because the Commission has ruled upon multiple motions for rehearing concerning intervention decisions.¹ Clearly,

¹ See e.g., *In the Matter of: An Adjustment of the Pipe Replacement Program Rider of Delta Natural Gas Company, Inc.*, Case No. 2012-00136, Order, (Ky. P.S.C., July 17, 2012) (denying rehearing motion of Stand Energy on that basis that it was a competitor of Delta Gas Company); *In the Matter of: Joint Application of Louisville Gas & Electric Company and Kentucky Utilities Company for Certificates of Public Convenience and Necessity for the Construction of a Combined Cycle Combustion Turbine at the Green River Generating Station and a Solar Photovoltaic Facility at the E.W. Brown Generating Station*, Case No. 2014-00002, Order, (Ky. P.S.C. Apr. 25, 2014). (citing Kentucky Court of Appeals decision in *EnviroPower, LLC v. Public Service Commission of Kentucky*, No. 2005-CA-001792-MR, 2007 WL 289329 (Ky. App., Feb. 2, 2007); *In the Matter of: An Investigation into East Kentucky Power Cooperative, Inc.’s Continued Need for Certificated Generation*, Case No. 2006-00564, Order, (Ky. P.S.C., Apr. 19, 2007); *In the Matter of: Electronic Investigation of the Reasonableness of the Demand Side Management Programs and Rates of Kentucky Power Company*, Case No. 2017-00097, Order, (Ky. P.S.C., May 17, 2017); *In the Matter of: Joint Application Pursuant to 1994 House Bill No. 501 for Approval of Kentucky Power Company Collaborative Demand-Side Management Programs and Authority to Implement a Tariff to Recover Costs, Net Lost Revenues and Receive Incentives Associated with the Implementation of the Kentucky Power Company Collaborative Demand Side Management Programs*, Case No. 2008-00350, Order, (Ky. P.S.C., Nov. 25, 2008); *In the Matter of: Application of Kentucky Power Company for Approval of its 2011 Environmental Compliance Plan, for Approval of its Amended Environmental Cost Recovery Surcharge Tariff, and for the Grant of a Certificate of Public Convenience and Necessity for the Construction and Acquisition of Related Facilities*, Case No. 2011-00401, Order, (Ky. P.S.C., Feb. 27, 2012); *In the Matter of: Application of Big Sandy Water District for an Adjustment in Rates Pursuant to the Alternative Rate Filing Procedure for Small Utilities*, Case No. 2012-00152, Order, (Ky. P.S.C., Sept. 17, 2012); *In the Matter of: Tariff Filing of East Kentucky Power Cooperative, Inc. and its Member Distribution Cooperatives for Approval of Proposed Changes to Their Qualified Cogeneration and Small Power Production Facilities Tariffs and the Implementation of Separate Tariffs for Power Purchases From Solar Generation Qualifying Facilities*, Case No. 2017-00212, Order, (Ky. P.S.C., Oct. 19, 2017); *In the Matter of: 2014 Integrated Resource Plan of Big Rivers Electric Corporation*, Case No. 2014-00166, Order, (Ky. P.S.C., Sept. 5, 2014); *Biddle v. Public Service Commission of Kentucky*, 643 S.W.3d 83, (Ky. App, 2021); *In the Matter of: Electronic Petition of Kenergy Corp. for a Declaratory Order*, Case No. 2023-00309, Order, (Ky. P.S.C., Dec. 1, 2023).

the Commission does not deem an Order determining whether or not to grant a party intervention in a proceeding as interlocutory.

Furthermore, IGS and Constellation also argued that motions for rehearing pursuant to KRS 278.400 can only be filed if an actual hearing is held and a final order issued. This is in no way supported by Commission precedent. The Commission has entertained and ruled upon multiple motions for rehearing on matters where no hearing was held, including matters involving the denial of confidential protection for certain information.²

In addition, IGS and Constellation acknowledged that the Commission's Order granting intervention was due to the Choice program stating "IGS and CNEG can assist the Commission in this case in developing facts specifically related to tariff impacts and the Choice Program, including revenue and expense tracking, within the program, without unduly complicating the proceeding."³ As Columbia stated in its Motion for

² See, e.g., *In the Matter of: Electronic Tariff Filing of East Kentucky Power Cooperative, Inc. and its Member Distribution Cooperatives for Approval of Proposed Changes to Their Qualified Cogeneration and Small Power Production Facilities Tariff*, Case No. 2023-00153, Order, (Ky. PSC Dec. 8, 2023) (order grants rehearing in part after an order in which there was no hearing); *In the Matter of: Electronic Tariff Filing of Big Rivers Electric Corporation for Approval of Proposed Changes to its Qualified Cogeneration and Small Power Production Facilities Tariffs*, Case No. 2023-00102, Order, (Ky. PSC Jan. 25, 2024) (order denies rehearing after an order in which there was no hearing); *In the Matter of: Electronic Application of Duke Energy Kentucky, Inc. to Amend its Demand Side Management Programs*, Case No. 2022-00251, Order, (Ky. PSC Sept. 21, 2023) (order grants rehearing on denial of confidential treatment); *In the Matter of: Electronic Application of Rowan Water, Inc. for an Alternative Rate Adjustment and its Individual Directors, Larry Johnson, Randall Cox, Mike Collins, Enoch Blair, and its Manager Jerry Patrick, for Allegedly Failing to Comply with KRS 278.300 and a Commission Order*, Case No. 2022-00252, Order, (Ky. PSC March 7, 2023) (order grants rehearing on denial of confidential treatment).

³ IGS and Constellation's Response pp. 3-4 (July 24, 2024).

Rehearing on this matter, there are no items contained in its rate application that are relevant to the Choice Program and the mechanics of the tariff at issue according to IGS and Constellation have not been changed since originally approved by the Commission. Since there are no issues related to the Choice Program, IGS and Constellation's participation in this proceeding will unduly complicate the proceedings. The sole reason the Commission granted intervention was for IGS and Constellation to assist in the development of facts related to the Choice Program.

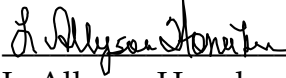
Conclusion

Columbia's Motion for Rehearing in this proceeding is proper and is supported by Commission precedent. IGS and Constellation have not established the criteria necessary to be granted intervention in this proceeding, since there are no issues related to the Choice Program in Columbia's application in this proceeding, as there were in prior cases where IGS and CNEG have been granted intervention. No changes to the Choice Program or the tariffs that govern that program are being requested in this rate proceeding.

WHEREFORE, on the basis of Columbia's motion for rehearing and the foregoing reply, Columbia respectfully requests the Commission grant rehearing on this issue and deny IGS and CNEG's request for intervention.

This the 29th day of July 2024.

Respectfully submitted,



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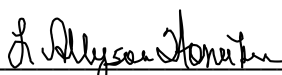
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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission for filing on July 29, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; by virtue of the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of this filing will be made.



Counsel for Columbia Gas of Kentucky, Inc.